IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.712 OF 2004
IN
COMPANY PETITION NO.369 OF 1990

Bank of Maharashtra....Applicant
Vs.
Official Liquidator of WIE
Engineering Ltd. ...Respondent

Ms. Hema Desai i/b. Singhi & Co., for the Applicant
Ms. K.V. Gautam, Deputy Official Liquidator present.

CORAM: A.M. KHANWILKAR, J.
DATE : 4th August, 2005

P.C.:

1. As the Applicant is pursuing the remedy before the Debt Recovery Tribunal the representative of Official Liquidator submits that it is not possible for the Official Liquidator to adjudicate the claim of the Applicant. In other words the Applicant will have to elect the remedy either before the D.R.T. or before the Official Liquidator. Counsel for the Applicant is not in a position to make any statement in that behalf. In the circumstances, the Judge's Summons is disposed of with liberty to the Applicant to approach the Official Liquidator for adjudication of its claim after withdrawing the proceedings before the D.R.T. In case the Applicant intends to pursue the remedy before D.R.T. the question of adjudicating the claim of the Applicant by the Official Liquidator will not arise. Ordered accordingly.

(A.M. KHANWILKAR, J.)